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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,679	04/20/2001	Gary J. Sullivan	MS1-601US	1812

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EXAMINER

CZEKAJ, DAVID J

ART UNIT PAPER NUMBER

2621

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/839,679	Applicant(s) SULLIVAN, GARY J.	
	Examiner Dave Czekaj	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. In view of the appeal brief filed on 6/20/06, PROSECUTION IS HEREBY REOPENED as set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding claim 5, the phrase "and the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "and the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Art Unit: 2621

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-12 are rejected under 35 U.S.C. 101 because the claims do not meet the 35 U.S.C. 101 requirements (the claims have improper language regarding the storage medium). Please see the USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" in the Official Gazette notice of 22 November 2005, Annex IV, page 53

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacInnis et al. (6744472), (hereinafter referred to as "MacInnis") in view of Sriram et al. (6539059), (hereinafter referred to as "Sriram").

Regarding claims 1-2, 10-12, and 24-25, MacInnis discloses an apparatus that relates to an integrated circuit graphics display system (MacInnis: column 1, lines 41-43). This apparatus comprises "receiving a command from a decoder application" (MacInnis: figure 2, item 50, wherein the decoder application is the video decoder) and "generating one or more filter control command data structures recognizable by a communicatively coupled accelerator including one or more parameters which affect one or more filter settings of the accelerator" (MacInnis: figure 2, column 57, lines 21-

37, wherein the filter parameters are the blending, scaling, blitting, and filling, the accelerator is the graphics accelerator). Although MacInnis fails to explicitly show an application interface in MacInnis's figures, the examiner notes that the system depicted in figure 1 would require an interface to correctly operate. MacInnis further fails to show the API configured to facilitate the use of a plurality of accelerators. Sriram teaches that there is a need for an efficiently scalable decoder which facilitates efficiency, synchronization, flexibility and functionality (Sriram: column 2, lines 59-64). To help alleviate this problem, Sriram discloses an API that "is configured to facilitate the use of a plurality of different multimedia accelerators with the decoder application" (Sriram: column 4, lines 48-54, wherein the accelerators are the sub-processors; column 7, lines 10-14, column 8, lines 1-14, wherein the interface or API is the monitor processor) and Therefore, the combined teaching of MacInnis and Sriram as a whole would have rendered obvious to one having ordinary skill in the art at the time the invention was made to implement an API configuration taught by Sriram in order to obtain an apparatus that is more versatile by being able to correctly and effectively facilitate the use between multiple processors of a system.

Regarding claims 3, and 20, MacInnis discloses "the filter is a post-processing filter" (MacInnis: figure 28).

Regarding claim 4, MacInnis discloses "output data subsequent to the application of a post-processing filter are used as prediction references" (MacInnis: column 3, lines 54-55, wherein prediction references are well known within the MPEG environment).

Regarding claims 5, 14, and 21, MacInnis discloses "the post processing

filter is a de-ringing filter” (MacInnis: column 9, lines 52-58, wherein low pass filtering requires the signal to be de-rung).

Regarding claims 6-7, 17, and 23, MacInnis discloses “the parameters include a strength parameter” (MacInnis: column 4, lines 40-51, wherein the strength parameter is the scaling).

Regarding claims 8-9, 15-16, and 22, MacInnis discloses “the API issues control commands for 4 or 16 luminance structures and/or 2, 4, 8, 16, or 32 chrominance structures” (MacInnis: column 9, lines 34-44, wherein the YUV converter uses the above chrominance and luminance structures).

Regarding claim 13, MacInnis discloses “the filter control structures effect one or more of the post processing filters” (MacInnis: figure 2, column 57, lines 21-37, wherein the filter structures indicate whether to blend, scale, blitte, and/or fill).

Regarding claim 18, note the examiners rejection for claim 1, and in addition, Sriram discloses “wherein the decoder application is configured to iteratively issue configuration commands reflecting various decoding acceleration capabilities until choosing one that is acceptable to both the decoder and accelerator” (Sriram: column 5, lines 58-67, column 12, lines 59-63, wherein the configuration commands is the parameter passing).

Regarding claim 19, MacInnis in view of Sriram disclose “one ore more media accelerators coupled to the decoder application via the API” (MacInnis: figures 1-2, wherein the accelerator is the graphics accelerator, the decoder application is the video decoder; Sriram: column 7, lines 10-14, column 8, lines 1-14).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (571) 272-7327. The examiner can normally be reached on Monday - Friday 9 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DJC

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TC 2600